684 VI.) If found guilty, he will have to pay an extra fine of two
782 oxen (1).
584 When the abducted woman is an unmarried girl, the matter
836 is not serious. No trouble is entailed, provided she does not become pregnant. In the latter case, the seducer can say: "Ndji dlele ku dya: I have killed to eat," viz. "I am ready to lobola the girl" (p. 97). If the girl does not consent, the man is free. But if the man does not wish to marry the girl by paying a full lobolo, whilst the girl and her relatives want him to do so, he will have to pay as much as £ 30 and an ox. "He has spoilt his cause!" His own relatives will be arrested and forced to pay. They are responsible for him and will scold him severely. (Mankhelu).

683 *Fighting ending in blows.* The wounded man runs to the
649 square of the capital and shows himself. The assailants will have to pay a fine of £ 8, three for the chief and five for the victim, or of two oxen, one for the chief and one for the plaintiff. (Mankhelu).

682 *Murder.* A distinction is made between involuntary murder,
672 which is an accident (mhango, Dj.), and a deliberate assassination.

In the case of *involuntary murder*, Mankhelu describes the proceedings as follows:—Should you have killed a man by accident in a hunting trip, for instance, you will try to arrange matters directly with his relatives, if you were good friends; your relatives will give them a girl. You dare not offer your own daughter, because they may refuse her, on account of their bad feelings! The same objection will not be made if your people provide the girl. They will accompany her with ten hoes and an ox, saying: "This is fat to smear our daughter." The notion which is at the base of this custom is not that a human person is the natural compensation for another human person, but that you give the diminished family a means of making good its loss. In fact as soon as the girl has born a child to the relatives of the deceased, she is free. If these men wish to keep her as their wife, they must

(1) The neighbouring Chopi tribe, on the contrary, leaves the husband to arrange matters as he likes. Formerly he used to kill the adulterer. But cases of adultery are never brought before the chief.

682 lobola. Viguet explains that this is done according to the old
338 saying of Native law: "Nwombekazi a yi ambi nandju" viz. "a
826 cow which has calved is not used to pay a fine; the calf pays it."
672 (See page 217.) He adds that the ten hoes sent with the girl pay for the ribs of the murdered man. (The Ba-Thonga believe that the human body has only ten ribs!) A case of involuntary homicide
682 is generally not brought before the chief, as the law is well known
643 and no one would try to evade his duty. Should however the
672 murderer not have been on good terms with the deceased, the matter will be discussed before the Court.

If the murder was *deliberate*, it is punished by death.
682 At least such was the law in former times, when Natives still
672 possessed the power of condemning to death. Now the fine is also the remittance of a woman. But owing to the existing hatred, and from fear of being obliged to lobola the relative of the murderer, the family of the deceased does not take the girl. She is sold by her parents and only the money is remitted to the plaintiff. (Mankhelu.)

682 Amongst the Ba-Ronga, when a near relative of the murdered
627 man wishes to avenge himself by killing the assassin, his people prevent him from doing so, in order to bring the matter before the chief. When a man called Mashabe was killed by the son of Gigiseka, Maphunga's brother, the murderer, had to pay £ 20. The fine may be as much as £ 25, but the idea is also to help the bereaved family to acquire a new spouse and, through her, new members. As for the murderer, he is regarded with scorn, and despised by the whole community. For a whole week, he must eat apart. He is unclean. So, at the time of luma bukanye, (page 400), he must also take miluru medicine together with the warriors who have killed enemies; but he does not drink it boastfully, extolling his deed! People say of him: "Look at the murderer!" (Mboza.)

The vendetta, the savage custom which makes it incumbent on the relations of a murdered man to avenge his death themselves at all costs and by any means, is absolutely absent from Thonga custom. It may be said that, as regards punishment of murder, they have reached quite a civilised stage in their judicial

683 ~~624~~ procedure. They are in advance of many tribes. The same cannot be asserted when dealing with witchcraft!

754 683 787 694 *Witchcraft* (Buloyi). To the Thonga mind this is one of the greatest crimes which a man can commit. It is equivalent to assassination, even worse than murder, as a dim idea of anthropophagy is added to the simple charge of killing. A wizard kills human beings to eat their flesh. We shall study the conceptions of *buloyi* later on (Part VI) from a psychological point of view. Here it is mentioned only in as far as it gives rise to judicial cases. This particular crime being committed in great secrecy during the night, and in most instances even unconsciously, the Bantu tribunal uses two or three magical methods for discovering it. These *methods of inquiry*, which civilised nations have long ago abandoned, are :

1) *Divination by casting lots.* The objects used in our tribe for this purpose are the magic bones, the astragalus of goats, antelopes, etc, and shells, which I intend to study in a special chapter. When they have designated (ku ba, to beat) the wizard or witch (noyi) who has killed such and such a person, they are consulted a second time. If they confirm their verdict, the relatives of the deceased go to the chief and lodge their complaint. The accusation becomes official and is now in the hands of the tribunal.

2) The chief sends the plaintiff and accused to the magician who proceeds to the *divination by questioning* them and working himself up into an ecstatic condition (vumisa).

683 695 824 787 754 3) Should the accused be again designated and should he deny his crime, he may request to be submitted to the *ordeal*, viz, the trial by the solaneous plant called mondjo. If the drug intoxicates him, his guilt is confirmed for the third time and the tribunal will condemn him. The punishment for *buloyi* is death, either by hanging, or by empaling, or by drowning in the river, if the wizard was in the habit of perpetrating his murders by sending crocodiles to kill his victims.

[177 681] Nowadays Native chiefs dare not put to death suspected witches. Since the Ba-Ronga have been under the jurisdiction of the Whites, the *death penalty* has been abolished. On the other hand, under